

AMENDMENT NO. \_\_\_\_

Calendar No. \_\_\_\_

Purpose: To encourage the effective use of community resources to combat hunger and the root causes of hunger by creating opportunity through food recovery, job training, and community service.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

S. \_\_\_\_

To amend the Richard B. Russell National School Lunch Act and the Child Nutrition Act of 1966 to provide children with increased access to food and nutrition assistance, to simplify program operations and improve program management, to reauthorize child nutrition programs, and for other purposes.

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by  
\_\_\_\_\_

Viz:

1 After title III, add the following:

2 **TITLE IV—MISCELLANEOUS**

3 **SEC. 4\_\_\_\_. FOOD EMPLOYMENT EMPOWERMENT AND DE-**  
4 **VELOPMENT PROGRAM.**

5 (a) **DEFINITIONS.**—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
2 ty” means an entity that meets the requirements of  
3 subsections (c) and (g).

4 (2) SECRETARY.—The term “Secretary” means  
5 the Secretary of Agriculture.

6 (3) VULNERABLE SUBPOPULATION.—

7 (A) IN GENERAL.—The term “vulnerable  
8 subpopulation” means low-income individuals,  
9 unemployed individuals, and other subpopula-  
10 tions identified by the Secretary as being likely  
11 to experience special risks from hunger or a  
12 special need for job training.

13 (B) INCLUSIONS.—The term “vulnerable  
14 subpopulation” includes—

15 (i) addicts (as defined in section 102  
16 of the Controlled Substances Act (21  
17 U.S.C. 802));

18 (ii) at-risk youths (as defined in sec-  
19 tion 1432 of the Elementary and Sec-  
20 ondary Education Act of 1965 (20 U.S.C.  
21 6472));

22 (iii) individuals that are basic skills  
23 deficient (as defined in section 101 of the  
24 Workforce Investment Act of 1998 (29  
25 U.S.C. 2801));

1 (iv) homeless individuals (as defined  
2 in section 17(b) of the Child Nutrition Act  
3 of 1966 (42 U.S.C. 1786(b));

4 (v) homeless youths (as defined in sec-  
5 tion 387 of the Runaway and Homeless  
6 Youth Act (42 U.S.C. 5732a));

7 (vi) individuals with disabilities (as  
8 defined in section 3 of the Americans with  
9 Disabilities Act of 1990 (42 U.S.C.  
10 12102));

11 (vii) low-income individuals (as de-  
12 fined in section 101 of the Workforce In-  
13 vestment Act of 1998 (29 U.S.C. 2801));  
14 and

15 (viii) older individuals (as defined in  
16 section 102 of the Older Americans Act of  
17 1965 (42 U.S.C. 3002)).

18 (b) PROGRAM.—The Secretary shall establish a food  
19 employment empowerment and development program  
20 under which the Secretary shall make grants to eligible  
21 entities to encourage the effective use of community re-  
22 sources to combat hunger and the root causes of hunger  
23 by creating opportunity through food recovery, job train-  
24 ing, and community service.

1 (c) ELIGIBLE ENTITIES.—Subject to subsection (g),  
2 to be eligible to receive a grant under this section, an enti-  
3 ty shall be a public agency, or private nonprofit institu-  
4 tion, that conducts 2 or more of the following activities  
5 as an integral part of the normal operation of the entity:

6 (1) Recovery of donated food from area res-  
7 taurants, caterers, hotels, cafeterias, or other food  
8 service businesses for the purpose of converting res-  
9 cued food and other donated foods into balanced  
10 meals for vulnerable subpopulations.

11 (2) Distribution of meals to—

12 (A) nonprofit organizations described in  
13 section 501(c)(3) of the Internal Revenue Code  
14 of 1986;

15 (B) entities that feed vulnerable sub-  
16 populations; and

17 (C) other agencies considered appropriate  
18 by the Secretary.

19 (3) Training of unemployed and underemployed  
20 adults for careers in the food service industry.

21 (4) Engaging people through community service  
22 and leadership training in developing resource-con-  
23 scious community solutions.

24 (5) Carrying out of a welfare-to-work job train-  
25 ing program in combination with—

1 (A) production of school meals, such as  
2 school meals served under the Richard B. Rus-  
3 sell National School Lunch Act (42 U.S.C.  
4 1751 et seq.) or the Child Nutrition Act of  
5 1966 (42 U.S.C. 1771 et seq.); or

6 (B) support for after-school programs,  
7 such as programs conducted by community  
8 learning centers (as defined in section 4201(b)  
9 of the Elementary and Secondary Education  
10 Act of 1965 (20 U.S.C. 7171(b))).

11 (d) USES.—An eligible entity may use a grant award-  
12 ed under this section for—

13 (1) capital investments related to the operation  
14 of the eligible entity;

15 (2) support services for clients of the eligible  
16 entity and individuals enrolled in job training pro-  
17 grams;

18 (3) purchase of equipment and supplies related  
19 to the operation of the eligible entity or that improve  
20 or directly affect service delivery;

21 (4) building and kitchen renovations that im-  
22 prove or directly affect service delivery;

23 (5) educational material and services;

24 (6) administrative costs, in accordance with  
25 guidelines established by the Secretary; and

1 (7) additional activities determined appropriate  
2 by the Secretary.

3 (e) PREFERENCES.—In awarding grants under this  
4 section, the Secretary shall give preference to eligible enti-  
5 ties that perform any of the following activities:

6 (1) Carrying out food recovery programs that  
7 are integrated with—

8 (A) culinary worker training programs,  
9 such as programs conducted by a food service  
10 management institute under section 21 of the  
11 Richard B. Russell National School Lunch Act  
12 (42 U.S.C. 1769b-1);

13 (B) school education programs; or

14 (C) programs of service-learning (as de-  
15 fined in section 101 of the National and Com-  
16 munity Service Act of 1990 (42 U.S.C.  
17 12511)).

18 (2) Carrying out programs that engage in out-  
19 reach and make use of local community services ef-  
20 forts.

21 (3) Providing meals to individuals in need and  
22 eligible entities.

23 (4) Providing job skills training, life skills train-  
24 ing, and case management support to hard-to-serve  
25 populations, including—

- 1 (A) homeless individuals;  
2 (B) individuals recovering from substance  
3 abuse;  
4 (C) individuals with a history of incarcer-  
5 ation or probation;  
6 (D) at-risk youth;  
7 (E) mothers leaving welfare; and  
8 (F) adults without a secondary school di-  
9 ploma or its recognized equivalent.

10 (5) Maximizing the use of existing school, com-  
11 munity, or private food service facilities and re-  
12 sources.

13 (6) Providing community service leadership  
14 training for students at institutions of higher edu-  
15 cation and other schools.

16 (f) ELIGIBILITY FOR JOB TRAINING.—To be eligible  
17 to receive job training assistance from an eligible entity  
18 using a grant made available under this section, an indi-  
19 vidual shall be—

20 (1) a low-income individual; and

21 (2) an individual who is a member of a vulner-  
22 able subpopulation, other than an at-risk youth or a  
23 homeless youth.

24 (g) ELIGIBILITY FOR MEALS.— In addition to the re-  
25 quirements of subsection (c), to be eligible to serve meals

1 using a grant made available under this section, an eligible  
2 entity shall—

3 (1) provide vulnerable subpopulations with  
4 meals and complementary basic support services  
5 (such as case management, education, or housing);

6 (2) demonstrate to the Secretary that the use  
7 of the grant to serve meals increases the capacity of  
8 the eligible entity to provide services to clients of the  
9 eligible entity; and

10 (3) comply with food handling and community  
11 service requirements of a community kitchen.

12 (h) PERFORMANCE INDICATORS.— The Secretary  
13 shall establish, for each year of the program, performance  
14 indicators, and expected levels of performance, for meals,  
15 job training, and community service for eligible entities to  
16 continue to receive and use grants under this section.

17 (i) TECHNICAL ASSISTANCE.—

18 (1) IN GENERAL.—The Secretary shall provide  
19 technical assistance to eligible entities that receive  
20 grants under this section to assist the eligible enti-  
21 ties in carrying out programs under this section  
22 using the grants.

23 (2) FORM.—Technical assistance for a program  
24 provided under this subsection includes—



1 (A) maintenance of a website, newsletters,  
2 email communications, and other tools to pro-  
3 mote shared communications, expertise, and  
4 best practices;

5 (B) hosting of an annual meeting or other  
6 forums to provide education and outreach to all  
7 programs participants;

8 (C) collection of data for each program to  
9 ensure that the performance indicators and pur-  
10 poses of the program are met or exceeded;

11 (D) intervention (if necessary) to assist an  
12 eligible entity to carry out the program in a  
13 manner that meets or exceeds the performance  
14 indicators and purposes of the program;

15 (E) consultation and assistance to an eligi-  
16 ble entity to assist the eligible entity in pro-  
17 viding the best services practicable to the com-  
18 munity served by the eligible entity, including  
19 consultation and assistance related to—

- 20 (i) strategic plans;
- 21 (ii) board development;
- 22 (iii) fund development;
- 23 (iv) mission development; and
- 24 (v) other activities considered appro-  
25 priate by the Secretary;

1 (F) assistance considered appropriate by  
2 the Secretary regarding—

3 (i) the status of program participants;

4 (ii) the demographic characteristics of  
5 program participants that affect program  
6 services;

7 (iii) any new idea that could be inte-  
8 grated into the program; and

9 (iv) the review of grant proposals; and

10 (G) any other forms of technical assistance  
11 the Secretary considers appropriate.

12 (j) **RELATIONSHIP TO OTHER LAW.**—An action  
13 taken by an eligible entity using a grant provided under  
14 this section shall be covered by the Bill Emerson Good  
15 Samaritan Food Donation Act (42 U.S.C. 1791).

16 (k) **MAXIMUM AMOUNT OF GRANT.**—The amount of  
17 grants provided to an eligible entity for a fiscal year under  
18 this section shall not exceed \$200,000.

19 (l) **AUTHORIZATION OF APPROPRIATIONS.**—

20 (1) **IN GENERAL.**—There are authorized to be  
21 appropriated to carry out this section \$20,000,000  
22 for each of fiscal years 2005 through 2010.

23 (2) **TECHNICAL ASSISTANCE.**—Of the amount  
24 of funds that are made available for a fiscal year  
25 under paragraph (1), the Secretary shall use to pro-

1       vide technical assistance under subsection (i) not  
2       more than the greater of—

3               (A) 5 percent of the amount of funds that  
4       are made available for the fiscal year under  
5       paragraph (1); or

6               (B) \$1,000,000.